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7 THE HONORABLE RICARDO MARTINEZ  
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12 UNITED STATES DISTRICT COURT  
13 WESTERN DISTRICT OF WASHINGTON  
14 AT SEATTLE  
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17 KENNETH FLEMING, JOHN DOE, R.K. and  
18 T.D.,  
19

20 Plaintiffs,

21 vs.  
22

23 THE CORPORATION OF THE PRESIDENT  
24 OF THE CHURCH OF JESUS CHRIST OF  
25 LATTER-DAY SAINTS, a Utah corporation  
26 sole, a/d/a "MORMON CHURCH, "; LDS  
SOCIAL SERVICES a/d/a LDA FAMILY  
SERVICES, a Utah corporation,

Defendants.

NO. C04-2338RSM

**DECLARATION OF MICHAEL T.  
PFAU RE: PLAINTIFF'S MOTIONS IN  
LIMINE**

**NOTE ON MOTION CALENDAR:  
SEPTEMBER 15, 2006**

**ORAL ARGUMENT REQUESTED**

18 I, MICHAEL T. PFAU, declare, under penalty of perjury, as follows:

19 1. I am one of the attorneys for plaintiff R.K. in this matter; I make this  
20 declaration based on my own personal knowledge.

21 2. Attached hereto as **Exhibit A** is a true copy of pages 33 and 34 from the  
22 perpetuation deposition of Souhir Ben Hamida, Ph.D.

23 3. Attached hereto as **Exhibit B** is a true copy of page 15 from the deposition of  
24 plaintiff R.K.

25  
26  
PFAU DECL. RE: PLTF'S MTNS IN LIMINE - 1 -  
(C04-2338RSM)  
[169534 v1.doc]

LAW OFFICES  
GORDON, THOMAS, HONEYWELL, MALANCA,  
PETERSON & DAHEIM LLP  
ONE UNION SQUARE  
600 UNIVERSITY, SUITE 2100  
SEATTLE, WASHINGTON 98101-4185  
(206) 676-7500 - FACSIMILE (206) 676-7575

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE  
STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

DATED at Seattle, Washington, this 5 day of September, 2006.

MICHAEL T. PFAU

**CERTIFICATE OF SERVICE**

I, hereby certify that on September 5, 2006, I electronically filed the foregoing  
**DECLARATION OF MICHAEL T. PFAU RE: PLAINTIFF'S MOTIONS IN LIMINE**  
with the Clerk of the Court using the CM/ECF system which will send notification of such  
filing to the following:

Charles C. Gordon  
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/s/ Michelle Menely

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

KENNETH FLEMING, JOHN DOE, R.K. )  
and T.D., )  
 )  
Plaintiffs, )  
 )  
vs. ) No. No. C04-2338RSM  
 )  
 )  
THE CORPORATION OF THE PRESIDENT )  
OF THE CHURCH OF JESUS CHRIST OF )  
LATTER-DAY SAINTS, a Utah )  
corporation sole, a/d/a "MORMON ")  
CHURCH"; LDS SOCIAL SERVICES a/d/a )  
LDA FAMILY SERVICES, a Utah )  
corporation, )  
 )  
Defendants. )

VIDEOTAPED DEPOSITION OF SOUHIR BENHAMIDA, Ph.D.

August 25, 2006

Seattle, Washington

Byers & Anderson, Inc.

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**EXHIBIT A-4**

Souhir Benhamida, PhD  
August 25, 2006

1

EXAMINATION

2 BY MS. MENELY:

3 Q First, you saw Robert one time about five years ago,  
4 correct?

5 A Yes.

6 Q And you don't have any personal recall of him?

7 A I remember him vaguely, but I don't -- I don't have a  
8 very clear recollection. I probably -- might  
9 recognize him if I bumped into him on street.

10 Q Your testimony today has been based on your review of  
11 your records and not your independent recall, correct?

12 A Right.

13 Q You -- would you -- are you aware that Dr. Worland  
14 White has opined that you did not perform a full  
15 examination on Robert Kelly?

16 MR. GORDON: Objection. Go ahead.

17 THE WITNESS: Yes.

18 Q (By Ms. Menely) Do you agree with that opinion?

19 A Yes. I only performed a brief psychological testing  
20 report.

21 Q Are you also aware that Dr. White believes that  
22 testing alone is not meaningful without an appropriate  
23 interview and collateral contact?

24 MR. GORDON: Objection to the form.

25 Go ahead.

**EXHIBIT A - pg 5**

Souhir Benhamida, PhD  
August 25, 2006

THE WITNESS: I did interview Mr. Kelly, but only to interpret the testing. I explicitly say that I do not have the appropriate data to offer any recommendations.

Q (By Ms. Menely) And you did not perform any collateral -- engage in collateral contact?

A No.

Q And that's contacting other people, correct?

A Right. I usually will do that in more comprehensive evaluations.

Q You testified a little bit earlier that Robert's test results and your interpretations of those results indicated that Robert is stressed somatically.

That's physically, correct?

A Yes.

Q And that he does not have a lot of insight into his psychological problems?

A      Correct.

Q So if he denies depression and anxiety, that could be because he doesn't have any insight into his psychological problems?

MR. GORDON: Objection; form.

THE WITNESS: The kind of personality profile that he has suggests that he's the type of person to experience stress, mostly physically

Souhir Benhamida, PhD  
August 25, 2006

**EXHIBIT A-*pg 6***

Page 1

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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KENNETH FLEMING and JOHN DOE, )  
Plaintiffs, )  
vs. ) NO. 04-2338 RSM  
THE CORPORATION OF THE PRESIDENT OF THE )  
CHURCH OF JESUS CHRIST OF LATTER-DAY )  
SAINTS, a Utah corporation sole, a/k/a )  
"MORMON CHURCH"; LDS SOCIAL SERVICES )  
a/k/a LDS FAMILY SERVICES, a Utah )  
corporation, )  
Defendant. )

---

DEPOSITION UPON ORAL EXAMINATION OF

ROBERT KELLY

VIDEOTAPED PROCEEDING

---

1:10 o'clock p.m.

August 29, 2005

601 Union Street

Suite 3100

Seattle, Washington

REPORTED BY:  
ALISON LOTT, CCR#2337

**EXHIBIT B** - pg 7

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Page 15

1 has never obtained treatment for it." Again, do you  
2 remember telling him that that was about the age that you  
3 were molested?

4 A I don't recall that conversation. I mean, the specific  
5 dates that were discussed. I remember meeting with  
6 Dr. Wight, but I don't recall the specific dates that I  
7 mentioned to him.

8 Q Well, both of these mention you being six years of age. Do  
9 you think it was older now, than being six, when this first  
10 happened?

11 A Since I met with Dr. Wight, I had a chance to more  
12 critically reflect on the dates and now I think it was at  
13 an older age.

14 Q So you think it's between nine and twelve now?

15 A That's correct.

16 Q What made you change your mind?

17 A Well, I reflectively thought that -- I know I wasn't abused  
18 when I -- I transferred to a private grade school when I  
19 was midway through my sixth year grade, and I know I wasn't  
20 abused at that point on and afterwards. It happened before  
21 then. And it happened sometime during the point when Jack  
22 moved into the home. And I didn't -- when I met with  
23 Dr. Wight and Keith Waterland, I didn't connect those two.

24 Q Now, did you and one of the Allenbach children both go to a  
25 different private school in the sixth grade?

**EXHIBIT B** - pg 8

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